

LAW OFFICES
HALEY BADER & POTTS P.L.C.
4350 NORTH FAIRFAX DR., SUITE 900
ARLINGTON, VIRGINIA 22203-1633
TELEPHONE (703) 841-0606
FAX (703) 841-2345
E-MAIL: haleybp@haleybp.com

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

AMELIA L. BROWN

May 19, 1997

DOCKET FILE COPY ORIGINAL

OUR FILE NO.
1548-101-63

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

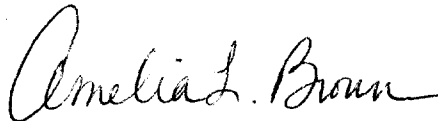
Re: MM Docket 97-103
RM-9030
Amendment of Section 73.202(b)
FM Table of Allotments
Shawsville, Virginia

Dear Mr. Caton:

On behalf of Grace Communications L.C., enclosed please find an original and four copies of Comments of Grace Communications L.C. in the above-referenced Rulemaking proceeding.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Very truly yours,



Amelia L. Brown

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Enclosures

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OFFICE OF SECRETARY

Communications L.C. (“Grace”), requested the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission’s Rules, the Table of FM Allotments, so as to allocate Channel 273A to Shawsville, Virginia, as that community’s first commercial channel (“Grace Petition”). In response, the Commission released a *Notice of Proposed Rulemaking* (“NPRM”) in the above-captioned proceeding proposing the requested change to the Table of Allotments and soliciting the submission of comments by May 19, 1997.¹ Grace, through counsel, hereby submits its Comments in response to the NPRM, and hereby reaffirms its Proposal submitted in the Petition for Rulemaking in this proceeding.

As will be shown below, Grace's proposal is consistent with Commission policy and would advance the public interest. Accordingly, Grace's proposal should be adopted.

I. Background - Grace Communications L.C.'s Petition for Rulemaking

In its Petition for Rulemaking,² Grace requested that the Commission amend the Table of Allotments to allocate Channel 273A to Shawsville, Virginia, as that community's first commercial channel. Grace pointed out that allotting Channel 273A to Shawsville would permit that community to receive its first local aural channel, thereby serving the highest of the Commission's existing allocation priorities.³ As stated in the Grace Petition, Shawsville is a Census Designated Place with a population of 1,260 persons according to the 1990 census. Shawsville has its own post office and its own unique zip code. Shawsville has its own elementary and high schools. It is located in Montgomery County, Virginia, which experienced a population growth of nearly seventeen percent (17%) between 1980 and 1990. The estimated growth between 1990 and 1995 was 2.5%.

¹ *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, for Shawsville, Virginia, Notice of Proposed Rulemaking in RM-9030, MM Docket No. 97-103, DA 97-583, released March 28, 1997 ("NPRM").*

² The Grace Petition is hereby incorporated by reference, and is attached hereto as Exhibit A.

³ *Id.* at 2.

As demonstrated in the Engineering Statement filed with the Grace Petition, allocation of channel 273A to Shawsville can be accomplished consistent with the Commission's rules, if a 3.46 kilometer, West, site restriction is imposed. This would prevent a short-spacing conflict with the vacant allotment of Channel 274C1, Appomatox, Virginia.⁴

Grace committed that, if the proposed amendment to the Table of Allotments were adopted, it would apply for an authorization to construct a new facility on channel 273A.⁵

II. Allocation of Channel 273A is Consistent with Commission Policy and is in the Public Interest.

Grace's proposal would permit Shawsville to receive its first local aural transmission service, thereby serving the highest of the Commission's existing allocation priorities. "There are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local aural service is the highest of our allotment priorities which remains in any significant degree unsatisfied."⁶ Favorable action on PBI's Counterproposal would thus be in the public interest.

⁴ NPRM at ¶ 3.

⁵ See Grace Petition at 3.

⁶ *Amendment of the Commission's Rules regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7097, ¶ 16 (1990).

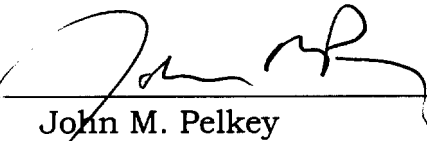
Grace hereby reaffirms that, if Channel 273A is allocated to Shawsville, Grace will apply for those facilities and, if Grace is awarded the construction permit for Channel 273A in Shawsville, will construct the facilities.

IV. CONCLUSION

The above facts demonstrate that allocating channel 273A to Shawsville, Virginia, will serve the public interest by providing that community with its first local aural transmission. Accordingly, Grace respectfully requests the allocation of Channel 273A to Shawsville, Virginia.

Respectfully submitted,

GRACE COMMUNICATIONS L.C.

By: 
John M. Pelkey
Amelia L. Brown

Its Attorneys

HALEY BADER & POTTS P.L.C.
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606
May 19, 1997

Before The
Federal Communications Commission
 Washington, D.C. 20554

In The Matter Of)	
)	
Amendment of Section 73.202(b))	MM Docket No.
Table of Allotments)	RM-
FM Broadcast Stations)	
Shawsville, Virginia)	

To: Chief, Policy and Rules Division

Petition for Rulemaking

Grace Communications L.C. ("Grace"), pursuant to Sections 1.401 and 1.420 of the Commission's rules and by its attorneys, hereby requests that the Commission institute a rulemaking proceeding to amend the Table of FM Allotments, Section 73.202(b) of the Commission's rules. Specifically, Grace requests that the Table of FM Allotments be amended so as to allocate channel 273A to Shawsville, Virginia, as that community's first commercial channel.

In support thereof the following is stated:

Shawsville, Virginia, is a census designated place with a population of 1,260 persons according to the 1990 U.S. census. Shawsville has its own post office and its own unique zip code. It is the

home to both an elementary school (Shawsville Elementary School) and a high school (Shawsville High School). Shawsville is part of Montgomery County, Virginia, which has experienced population growth over the last decade. Specifically, the population of the county increased by nearly 17 percent between 1980 and 1990 and has experienced an estimated additional growth of 2.5 percent between 1990 and 1995.

Despite Shawsville's status, no broadcast facilities of any type are allocated to Shawsville. Allocation of channel 273A to Shawsville would remedy this deficiency.

As the attached Engineering Statement demonstrates, allocation of channel 273A to Shawsville can be accomplished consistent with the Commission's rules if a 3.46 kilometer, West, site restriction is imposed.

The allocation of channel 273A to Shawsville is in the public interest. The proposal would permit Shawsville to receive its first local broadcast service, thereby serving the highest of the Commission's allocation priorities:

There are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local aural service is the highest of our allotment

priorities which remains in any significant degree unsatisfied.

Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 (1990).

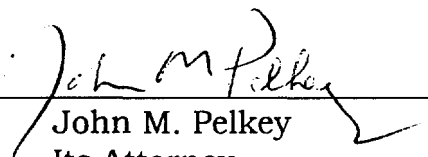
Grace will apply for an authorization to construct a new facility on channel 273A at Shawsville if the allocation is adopted by the Commission.

Accordingly, Grace respectfully requests that the Table of FM Allotments be amended as follows:

Community	Present Allotment	Proposed Allotment
Shawsville, VA	--	273A

Respectfully submitted,

GRACE COMMUNICATIONS L.C.


John M. Pelkey
Its Attorney

HALEY, BADER & POTTS
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606

January 30, 1997

HALEY BADER & POTTS P.L.C.
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ARLINGTON, VA



WHEELER BROADCAST CONSULTING

Grace Communications L.C.

Petition for Rule Making

Petition to:

Amend 47 CFR 73.202(b)
Allocate a New Commercial FM Broadcast Station
Channel 273 A
Shawsville, Virginia

January - 1997



WHEELER BROADCAST CONSULTING

Engineering Statement

This consultant has been retained by Grace Communications L.C. for the purpose of preparing this engineering statement in support of a Proposed Rule Making to amend the FM table of allotments, 47 CFR 73.202 (b), by adding channel 273 A to Shawsville, Virginia as its first local service.

The coordinates of Shawsville, VA are listed in the National Atlas of the United States of America as follows:

37° 10' 04" N. Latitude
80° 14' 29" W. Longitude

Exhibit 1, included in this report, is a study of the Commission's January 10, 1997 FM database which indicates that Channel 273 A can be allocated to Shawsville with the imposition of a 3.46 km, West, site restriction so as to clear the first adjacent, Class C1 allocation established for WLDJ at Appomattox, VA in Docket 91-8.

Suitable coordinates for the purposes of allocation, determined by selecting the point nearest to Shawsville, VA to which the minimum spacing requirements of 47 CFR 73.207 are met, would be:

37° 09' 47" N. Latitude
80° 16' 48" W. Longitude

6025 MARTWAY
SUITE 112
MISSION, KS 66202
913.362.7282
913.362.7287

Exhibit 2, also included in this report, is a digitally generated map which was created by data extracted from USGS & NGDC files that depicts the open area in which a transmitter could be located and also demonstrates that the proposed facility, from the reference coordinates, would be in complete compliance with the principal community coverage requirements of 47 CFR 73.315. Contours were predicted via a digital algorithm that mirrors the Commission's own algorithm and were based on a study of 360 equally spaced radials.

Shawsville, VA

Shawsville, VA is a CDP community with a population of 1260 persons according to the 1990 US Census. Shawsville has a post office and a unique Zip Code (24162). Shawsville is the home to both an elementary school (Shawsville Elementary School) and a high school (Shawsville High School). Shawsville is a part of Montgomery County, Virginia which is a county that has experienced population growth over the last decade. Montgomery County population has increased by nearly 17% between 1980 and 1990 and 1995 estimates indicate that the growth continues with an additional 2.5% growth between 1990 and 1995.

Conclusion

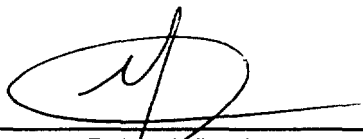
Shawsville, Virginia is a community deserving of its first local service and the allocation proposed in this Rule Making would provide that service. It is therefore respectfully requested that 47 CFR 73.202(b) be amended as follow:

Community	Present Allocation	Proposed Allocation
Shawsville, VA	-----	273 A

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

11/15/97
Date



R. Lee Wheeler

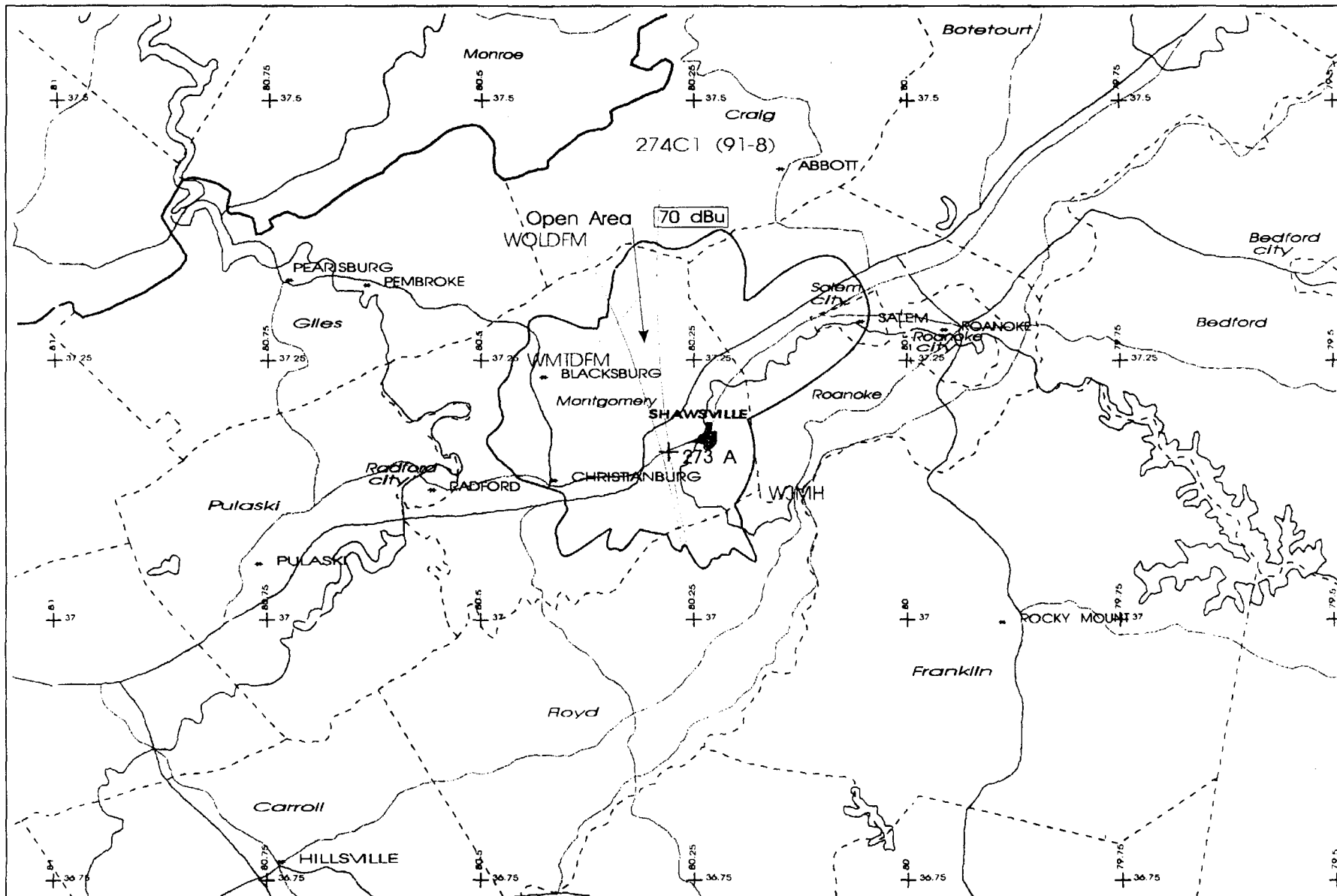
WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

Grace Communications L.C.
Shawsville, VA

REFERENCE		DISPLAY DATES
37 09 47 N	CLASS A	DATA 01-10-97
80 16 48 W	Current rules spacings	SEARCH 01-15-97
----- CHANNEL 273 -102.5 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)

ALOPEN	274C1	Appomattox	VA	81.4	133.01	133.0	0.01 <
AL N	37 19 55	78 47 45	0.000 kW	OM	82.7	82.7	
91-8							
>Site Restricted-Effective 7-1-91-Rsvd For WZST Per D91-8							
WOLDFM	273A	Marion	VA	255.9	115.84	115.0	0.84 <
LI CN	36 54 10	81 32 27	0.440 kW	367M	72.0	71.5	
Emerald Sound, Inc.					BLH901214KF		
WLDJ	274B	Appomattox	VA	72.8	117.79	113.0	4.79
LI CN	37 28 07	79 00 27	22.000 kW	227M	73.2	70.2	
LBS Broadcasting, Inc.					BLH890602KC		
>*To amend to channel 274C1 Per D91-8							
WJMH	271C	Reidsville	NC	162.9	103.01	95.0	8.01
LI CY	36 16 33	79 56 27	100.000 kW	367M	64.0	59.0	
Max Radio License Inc.					BLH900412KB		
WMTDFM	272A	Hinton	WV	316.1	85.39	72.0	13.39
LI CN	37 42 53	80 57 09	0.370 kW	388M	53.1	44.8	
Bluestone Broadcasters, Inc.					BLH960415KC		
WK CJ	276A	Lewisburg	WV	355.0	71.49	31.0	40.49
LI CN	37 48 17	80 21 03	1.050 kW	238M	44.4	19.3	
Seneca Broadcasting Inc.					BMLH951109KB		



<p>Scale in km</p> <p>0 10 20 30 40</p>	<p>Proposed Shawsville Allocation Channel 273 A</p> <p>N. Lat. 37 09 47 W. Lng. 80 16 48</p>	<p>EXHIBIT 2</p> <p>L. WHEELER - 01/97</p>
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